

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RABI YAJID,

Plaintiff,

07 CV 7079 (KPC)(DE)

-against-

THE LONG ISLAND RAIL ROAD COMPANY,

Defendant.

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ANSWER

SIRS :

Defendant, The Long Island Rail Road Company ("LIRR"), by its attorney, FRANKLIN W. KRONENBERG, answering the complaint of plaintiff, alleges upon information and belief:

1. Denies knowledge or information to form a belief as to the truth of the allegations contained in paragraphs "1", and "6", and refers all questions of law to the Court for its determination.

2. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph "5" but admits that on May 12, 2007 plaintiff was employed by defendant.

3. Denies the allegations contained in paragraphs "7", "8", "9" and "10" of the plaintiff's complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

4. Upon information and belief, that if the plaintiff was injured as is alleged in the Complaint, he was injured in whole or in part by reason of his own negligence and without any fault or any negligence on the part of the defendant, its agents, servants and/or employees, and

the defendant did not violate any statutes enacted for the safety of its employees.

5. Plaintiff has failed to mitigate his damages.

WHEREFORE, defendant demands judgment of this court dismissing the complaint in its entirety, plus the costs and disbursements of the action.

Dated: Jamaica, NY
September 5, 2007

FRANKLIN W. KRONENBERG, ESQ.
Acting Vice President/General Counsel & Secretary
Attorney for Defendant

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